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SUBJECT: SUPPORTING THE AU'S EFFORTS TO ENSURE AN EARLY
RETURN TO CONSTITUTIONAL RULE IN MADAGASCAR

REF: ANTANANARIVO 258

1. This is an action request. Please see paragraphs 2-4.

2. (U) Department requests embassies in African Union (AU) member states demarche host governments at the highest appropriate level to pursue objectives listed in paragraph 4.

3. (SBU) For Harare, Asmara, Khartoum, Nouakchott, Conakry: Posts are requested not to deliver this demarche if they determine that it would be counterproductive or unlikely to result in any positive action.

4. (U) OBJECTIVES:

-- Express appreciation for the AU's strong stance against the unconstitutional change of power in Madagascar.

-- Note that the U.S. fully supports the AU's statements on this matter, including its suspension of Madagascar for an initial six month period, its call for early elections, its intention to form a Contact Group to coordinate international community action to ensure a return to constitutional rule, and its rejection of the Rajoelina regime's proposed October 2010 election timetable.

-- Emphasize that the U.S. considers the recent series of events in Madagascar a military coup and as a result is required by U.S. law to suspend all assistance programs that directly benefit the Government of Madagascar (GOM) until a democratically-elected government is in place.

-- Note our concern about positions of some EU member countries who intend to continue all functioning pre-coup programs without interruption; the upcoming EU political dialogue with the Rajoelina regime launching on April 16 will likely put pressure on the EU as a whole to follow suit.

-- Urge host governments to seek support from key donors to Madagascar for an immediate return to constitutional rule in Madagascar and the need for new, free and fair elections, preferably within six months. It is also essential to press key donors to support the AU position, and in particular to do nothing that legitimizes the Rajoelina regime, including through their assistance programs. Without coordinated international pressure, the Rajoelina regime is unlikely to move quickly to restore democracy.

5. (U) Department requests USAU raise the following points with the AU's secretariat:

-- Stress our support for the AU's intention to form an International Contact Group to coordinate international community action to ensure a return to constitutional rule, and for the AU's rejection of the Rajoelina regime's proposed October 2010 election timetable. Inquire what the USG can do to assist the Contact Group efforts.

-- Note we are demarching EU member states to urge them to do nothing to legitimize the Rajoelina regime, including through their assistance programs. Without coordinated international pressure, the Rajoelina regime is unlikely to move quickly to restore democracy.

-- Outline that we are also asking AU member states to

intervene with Madagascar,s principal donors to ensure they do nothing to legitimize the Rajoelina regime.

-- Share our hope the people of Madagascar will take the steps necessary to return to democratic legitimacy and be able to continue important development activities with international community participation.

BACKGROUND

¶6. (SBU) After several months of opposition protests, failed negotiations, and mutiny by the military, democratically-elected President Ravalomanana was forced to resign from office March 17, issuing a decree that unconstitutionally passed his powers to the highest-ranking military officers. These officers were in turn forced by mutinous lower-ranking military officials to transfer power to former Mayor Andry Rajoelina via another unconstitutional decree.

¶7. (SBU) Rajoelina has declared himself &President of the High Transition Authority,8 named a cabinet, disbanded the National Assembly and the Senate, and pledged to hold presidential in October 2010, following a constitutional referendum and revision of the electoral code. The AU has called for elections within 6 months, suspended Madagascar and warned the AU may impose sanctions if constitutional order is not quickly restored. SADC has condemned the coup and has not recognized Rajoelina,s government.

¶8. (U) The Department has determined that the recent change of the government in Madagascar amounts to a military coup and therefore triggers the foreign assistance provisions of section 7008 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009. Under Section 7008, we are legally required to suspend any aid programs that finance directly any assistance to the GOM.

¶9. (SBU) Although many other donors in Madagascar are still deliberating on future of their assistance programs, several have moved to suspend support to the GOM. The notable exception is France, which intends to continue all functioning pre-coup programs without interruption; with France leading the upcoming EU political dialogue launching April 16 with the Rajoelina transitional government, the EU will likely be under pressure to follow suit (ref.)

¶10. (U) The Department greatly appreciates assistance and engagement from post on this issue. Please report results of the effort via front-channel cable AF/E, no later than OOB EDT Wednesday, April 15.

¶11. (U) Please contact AF/E Maria Beyzerov at (202) 647-6453 or via email for any additional information required to meet our objectives.

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